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**TESTIMONY BEFORE THE HOUSE CRIMINAL JUSTICE STANDING  
COMMITTEE RE: HB 5273**

**APRIL 12, 2016**

Good morning! Jacqueline Ouvry, Chair of the Prisons and Corrections Section of the State Bar. I am here to testify on behalf of the Section, not the entire State Bar. I wish to thank Rep. Heise and the committee for the opportunity and Rep. Pagel for sponsoring HB 5273, which I am here to support.

Our Section represents members of the State Bar with an interest in Prisons and Corrections policy and litigation. Our 170 person membership includes attorneys, judges, corrections staff, social workers, and non-profit organizations.

At the February 2016 meeting, our Council voted to support this proposed legislation with no opposition. The Section has supported the elimination of the judicial veto from the parole process in general since at least 2011.

The elimination of the successor judge's veto represents sound policy because the parole process remains a thorough review completed by professionals – even without a successor judge's veto. The successor judge's veto does not add information to the parole decision-making process and its elimination does nothing to infringe on the rights of those who can add information to the parole process (the prosecutor, the victim, corrections' staff, or those close to the inmate).

Presently, a successor judge may veto a parole without giving any reason or explanation. It is axiomatic that the successor judge did not hear the case, and likely has not ever met the inmate. And nothing in the present law requires the successor judge to inform him or herself before exercising the judicial veto. Successor judges have many other pressures on the bench, and given this context, the Michigan Judges Association support of this Bill makes sense. This process actually prevents the professionals from gathering information by preventing a public hearing.

Eliminating the successor judge's veto will not in any way infringe on the rights of those who have information to assist in the parole process. The Crime Victim Rights Act protects the right of victims who wish to address those making parole decisions. The prosecutor is permitted to provide information to the Parole Board. The sentencing judge also retains the right to veto the parole process. And, there are additional rights which apply to parolable life – most importantly the public hearing, where every party impacted may provide input. Thus, those who have an interest and relevant information have ample opportunity to be able to address the Board, even if the successor judge's veto is eliminated.

Lastly, the successor judge could continue to have input at the public hearing stage as well, because HB5273 proposes to eliminate the veto only, not all input. Passage of HB 5273 would actually maximize the information that professionals can obtain in making a parole decision, rather than allow a single participant to veto the process.

Our Section would urge positive action on this Bill.